

FILED

JUL - 9 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

CV 08

3327

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARDELL NEWTON

Plaintiff,

vs.

People of the STATE
of California Defendant.

CASE NO. A-115972

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

I, Cardell Newton, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: 0 Net: 0

Employer: NIA

1 If the answer is "no," state the date of last employment and the amount of the gross and net
2 salary and wages per month which you received. (If you are imprisoned, specify the last
3 place of employment prior to imprisonment.)

4 April 13, 06 \$1220.⁰⁰ per month
5 Howie Harp multi-Service Center
6 OAKLAND CA.

7 2. Have you received, within the past twelve (12) months, any money from any of the
8 following sources:

- 9 a. Business, Profession or Yes ___ No ☒
10 self employment
- 11 b. Income from stocks, bonds, Yes ___ No ☒
12 or royalties?
- 13 c. Rent payments? Yes ___ No ☒
- 14 d. Pensions, annuities, or Yes ___ No ☒
15 life insurance payments?
- 16 e. Federal or State welfare payments, Yes ___ No ☒
17 Social Security or other govern-
18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
20 received from each.

21 N/A
22

23 3. Are you married? Yes ___ No ☒

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: N/A

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$

Net \$

28 4. a. List amount you contribute to your spouse's support: \$

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

N/A

5. Do you own or are you buying a home? Yes ___ No ☒

Estimated Market Value: \$ ~~0~~ Amount of Mortgage: \$ ~~0~~

6. Do you own an automobile? Yes ___ No ___

Make N/A Year N/A Model N/A

Is it financed? Yes ___ No ☒ If so, Total due: \$ ~~0~~

Monthly Payment: \$ ~~0~~

7. Do you have a bank account? Yes ___ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$ ~~0~~

Do you own any cash? Yes ___ No ☒ Amount: \$ ~~0~~

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ___ No ☒

8. What are your monthly expenses?

Rent: \$ ~~0~~ Utilities: ~~0~~

Food: \$ ~~0~~ Clothing: ~~0~~

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
N/A	\$ 0	\$ 0
<u>✓</u>	\$ <u>✓</u>	\$ <u>✓</u>
<u>✓</u>	\$ <u>✓</u>	\$ <u>✓</u>

9. Do

1 you have any other debts? (List current obligations, indicating amounts and to whom they are
2 payable. Do not include account numbers.)

3 N/A

4
5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes ___ No ☒

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9
10
11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 June 24, 08

17 DATE

Carcell Newton

18 SIGNATURE OF APPLICANT
19
20
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26
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28

Case Number: A-115972

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Cardell Newton for the last six months at

[prisoner name]

San Quentin where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 20.00 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.00.

Dated: _____

[Authorized officer of the institution]

TS210B

CALIFORNIA DEPARTMENT OF CORRECTIONS
ITAS TRUST ACCOUNT DISPLAY

----- ACCOUNT INFORMATION -----

----- SPECIAL ITEMS -----

ACCOUNT NUMBER: F52079
 ACCOUNT NAME: NEWTON, CARDELL
 ACCOUNT TYPE: I
 CURRENT BALANCE: 26.86
 HOLD BALANCE: 0.00
 ENCUM. BALANCE: 0.00
 AVAILABLE: 26.86
 PRIVILEGE GROUP: D
 LAST CANTEEN: 03/24/2008

----- ACCOUNT TRANSACTIONS -----						-----TS210CA
DATE	TRAN	AMOUNT	DESCRIPTION	CHECK NUM	COMMENT	BALANCE
02/26/08	DD31	18.00	CHECK DEPOSIT O		3321MAILRM	18.06
03/12/08	DD31	9.00	CHECK DEPOSIT O		3520MAILRM	27.06
03/24/08	FC03	26.06-	DRAW-FAC 3		3711LCKUP3	1.00
03/26/08	DD31	11.25	CHECK DEPOSIT O		3766/R&R	12.25
04/10/08	DD31	11.25	CHECK DEPOSIT O		3974MAILRM	23.50
04/21/08	FR01	3.36	CANTEEN RETURN		704123	26.86

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TS210B

CALIFORNIA DEPARTMENT OF CORRECTIONS
ITAS TRUST ACCOUNT DISPLAY

----- ACCOUNT INFORMATION -----

----- SPECIAL ITEMS -----

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 ACCOUNT NAME: NEWTON, CARDELL
 ACCOUNT TYPE: I
 CURRENT BALANCE: 26.86
 HOLD BALANCE: 0.00
 ENCUM. BALANCE: 0.00
 AVAILABLE: 26.86
 PRIVILEGE GROUP: D
 LAST CANTEEN: 03/24/2008

----- ACCOUNT TRANSACTIONS -----

-----TS210CA

DATE	TRAN	AMOUNT	DESCRIPTION	CHECK NUM	COMMENT	BALANCE
12/14/07	DD30	9.00	CASH DEPOSIT ON		2368MAILRM	23.85
12/24/07	FR01	0.46	CANTEEN RETURN		702520	24.31
12/24/07	FC03	19.85-	DRAW-FAC 3		2526LCKUP3	4.46
01/22/08	FR01	5.00	CANTEEN RETURN		702848	9.46
01/22/08	FC03	9.46-	DRAW-FAC 3		2859LOCKUP	0.00
02/19/08	FR01	0.06	CANTEEN RETURN		703197	0.06

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TS210B

CALIFORNIA DEPARTMENT OF CORRECTIONS
ITAS TRUST ACCOUNT DISPLAY

----- ACCOUNT INFORMATION -----

----- SPECIAL ITEMS -----

ACCOUNT NUMBER: F52079
 ACCOUNT NAME: NEWTON, CARDELL
 ACCOUNT TYPE: I
 CURRENT BALANCE: 0.06
 HOLD BALANCE: 0.00
 ENCUM. BALANCE: 0.00
 AVAILABLE: 0.06
 PRIVILEGE GROUP: D
 LAST CANTEEN: 01/22/2008

----- ACCOUNT TRANSACTIONS -----

-----TS210CA

DATE	TRAN	AMOUNT	DESCRIPTION	CHECK NUM	COMMENT	BALANCE
08/23/07	DD30	9.00	CASH DEPOSIT ON		0750MAILRM	24.15
10/09/07	DD30	9.00	CASH DEPOSIT ON		1387MAILRM	33.15
10/09/07	FC03	22.00-	DRAW-FAC 3		1399/LKUP1	11.15
10/26/07	DD30	9.00	CASH DEPOSIT ON		1694MAILRM	20.15
11/07/07	FR01	4.70	CANTEEN RETURN		701855	24.85
11/13/07	FC03	10.00-	DRAW-FAC 3		1938/LK2&3	14.85

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Legal mail

Cardell Newton F-52079
San Quentin Prison
San Quentin, Ca. 94964



4/27

No Case

Clerk, Northern Dist.
U.S District courthouse
450 Golden Gate Ave.
16th floor
San Francisco, Ca.
94102

Co. Legal mail

FILED

2008 JUL 27 PM 12:51

RICHARD W. WIEK
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6-24-08

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